

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|--------------------------------------|---|------------------------------------|
| Consumer Finance Protection Bureau, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 3:17-cv-00101-RDM |
| |) | (Hon. Robert D. Mariani) |
| |) | |
| Navient Corporation, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

DECLARATION OF DANIEL P. KEARNEY

I, Daniel P. Kearney, declare as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr, LLP (“WilmerHale”), counsel for Defendants Navient Corporation, Pioneer Credit Recovery, Inc., and Navient Solutions, LLC (“Navient”). I am admitted *pro hac vice* in this action. I submit this declaration in response to Special Master Order No. 59.

2. Mr. Beji Varghese, a Managing Director at Navigant Consulting, Inc., n/k/a Guidehouse, Inc. (“Navigant”), was retained by Defendants to serve as a testifying expert in this litigation in preparation for trial. In June 2019, Mr. Jonathan Patterson, a Managing Consultant at Navigant who assisted Mr. Varghese in preparing his expert report, communicated with Natalie Bilbrough, an associate at WilmerHale working on this litigation under my supervision, and requested credit reporting data for five accounts per month for borrowers who received a total and permanent disability discharge during the period of May through September 2014. Ms. Kathryn Rock, a Director at Navigant who assisted Mr. Varghese in preparing his expert report, was also copied on these communications.

3. Ms. Bilbrough then communicated with Navient employee Brad Jones and

conveyed the request to Mr. Jones. Mr. Jones then selected 25 borrower accounts and provided Ms. Bilbrough with credit reporting data for those accounts. On July 5, 2019, Ms. Bilbrough then provided the credit reporting data for the 25 borrower accounts to Mr. Patterson, and Defendants subsequently produced the same data to the CFPB on November 8, 2019.

4. Ms. Bilbrough's communications transmitting the account data to Mr. Patterson do not relate to compensation and do not identify any assumptions, facts, or data beyond what was already disclosed to the CFPB.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 6, 2020.


Daniel P. Kearney